REMARKS

In the Office Action, the Examiner rejected claims 1-18, 20-23, 31-35, and 40-49. This response neither amends nor cancels any claims. As such, claims 1-18, 20-23, 31-35, and 40-49 remain pending. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 103

Summary of the Rejections

The Examiner rejected claims 1-18, 20-23, 31-35, and 40-49 under § 103(a) as being obvious over various pieces of prior art. The prior art utilized in the rejection of independent claims 1, 15, 40, 41, and 42 will be outlined below. The Examiner rejected independent claims 1 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Huffman, U.S. Publication No. 2004/0005094 (hereinafter "Huffman") in view of Machida, U.S. Patent No. 6,642,943, (hereinafter "Machida") in further view of Wood et al., U.S. Patent No. 5,851,186 (hereinafter "Wood") and in further view of Wiklof et al., U.S. Publication No. 2005/0023356 (hereinafter "Wiklof").

The Examiner also rejected independent claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga et al., U.S. Patent No. 5,968,132 (hereinafter "Tokunaga") in view of Wood, in further view of Benejam et al., U.S. Patent No. 7,133,915 (hereinafter "Benejam"), and in further view of Mustafa, U.S. Publication No. 2002/0087716 (hereinafter "Mustafa").

The Examiner also rejected independent claims 31 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga in view of Wood and in further view of Aweya et al., U.S. Patent No. 7,047,312 (hereinafter "Aweya") and in further view of Mustafa.

Additionally, the Examiner rejected independent claim 41 under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga in view of Wood and in further view of Mustafa.

Legal Standard for Obviousness Rejections

Applicant respectfully traverses these rejections. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn,* 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and searching, and it must be based on *objective evidence of record. In re Lee,* 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002). Therefore, the Examiner must establish, based on objective evidence of record, reasons supporting a conclusion as to the combinability of the references in making an obviousness rejection.

Omitted Features of Independent Claims 1 and 42

Independent claims 1 and 42 recite, *inter alia*, "a scanner module configured to *modify a scanning rate* of the image data; and an encoder module configured to *modify an encoding format* of the image data; a plurality of network sensors…configured to provide *network performance data* to the serving station, wherein the serving station dynamically

modifies at least one of *the scanning rate and the encoding format* based on the *network performance data*." (Emphasis added.)

The Examiner appears to have relied on Wiklof to teach a scanner module configured to *modify a scanning rate* of the image data. *See* Office Action, pages 6 and 61. Specifically, the Examiner relied on a teaching in Wiklof of a 2D scanner that scans along one axis horizontally at about 19KHz while scanning along the other axis vertically at 60Hz. *See* Wiklof, paragraph 73. Thus, while Wiklof does disclose two scanning rates, the scanning rates are part of *the same 2D scan*. That is, the individual scanning rates are consistent for both the horizontal axis (about 19KHz) and the vertical axis (60Hz) for each scan. These rates do not change.

This is in contrast to independent claims 1 and 42 which recite a scanner module configured to *modify a scanning rate* of the image data. Utilization of *constant* scanning rates in Wiklof simply cannot teach *modifying* a scanning rate of the image data, as recited in independent claims 1 and 42. Accordingly, Wiklof fails to teach the elements of independent claims 1 and 42 as suggested by the Examiner.

The Examiner appears to have relied on Huffman to teach an encoder module configured to *modify an encoding format* of the image data. *See* Office Action, pages 3 and 61-62. Specifically, the Examiner relied on a teaching in Huffman of a lossless coder that may utilize one of a variety of compression functions such as Rice encoding, Huffman coding, or arithmetic encoding. *See* Huffman, paragraph 39. Thus, while Huffman does describe an encoding system, that system is described as utilizing only a *single* encoding scheme that modifies the format of the *data* (i.e., once the encoding scheme is initially chosen for the system, it remains unchanged).

Here again, this is in contrast to independent claims 1 and 42 which recite an encoder module configured to *modify an encoding format* of the image data. The claim does not, for example, recite modifying the format of the *data* (i.e., merely encoding the data, which Huffman teaches); instead, the claim recites modifying the *encoding format* (i.e., the *manner* in which the data is encoded or the encoding scheme, which Huffman fails to teach). The suggestion that a *single* one of many encoding schemes may be originally chosen to employ in an encoding system simply does not teach an encoder module configured to *modify an encoding format* of the image data. Accordingly, Huffman fails to teach the elements of independent claims 1 and 42 as suggested by the Examiner.

Finally, The Examiner appears to have relied on Machida to teach a plurality of network sensors configured to provide *network performance data* to the serving station, wherein the serving station dynamically modifies at least one of *the scanning rate and the encoding format* based on the *network performance data*. *See* Office Action, pages 3-4. Specifically, the Examiner relied on a teaching in Machida describing adjusting the resolution of a copier from 600 dots per inch (dpi) to 300 dpi when there is traffic on the network. *See* Machida, col. 15, lines 36-54. That is, to speed printing/scanning functions of a digital copier, the resolution may be automatically set to a predetermined level (in this case, ½ the normal level).

However, while Machida does teach of adjusting the resolution of a copier from 600 dpi to 300 dpi, there is no suggestion that this adjustment affects the scanning rate of the scanner module. Moreover, contrary to the position of the Examiner (*see* Office Action, page 61), Wiklof fails to cure this deficiency (*see* discussion above). Similarly, there is no suggestion that this adjustment affects the encoding rate of the encoder module. Again, contrary to the position of the Examiner (*see* Office Action, pages 62-63), Huffman fails to cure this deficiency (*see* discussion above). Accordingly, Machida fails to teach the elements of independent claims 1 and 42 as suggested by the Examiner.

Additionally, Wood fails to overcome the deficiencies of Wiklof, Huffman, and Machida. Wood is directed to an imaging system capable of being accessed over a network. *See* Wood, Abstract. However, Wood is silent as to a scanner module configured to *modify a scanning rate* of the image data; and an encoder module configured to *modify an encoding format* of the image data; a plurality of network sensors…configured to provide *network performance data* to the serving station, wherein the serving station dynamically modifies at least one of *the scanning rate and the encoding format* based on the *network performance data*.

Thus, the Huffman, Machida, Wood, and Wiklof references, even in hypothetical combination, fail to disclose all elements of independent claims 1 and 42. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of independent claims 1 and 42, and further requests their allowance as well as that of all claims depending therefrom.

Omitted Features of Independent Claim 15

Independent claim 15 recites, *inter alia*, "adjusting the screen data comprises *modifying* a frame buffer scanning algorithm based on the network performance." (Emphasis added). The Examiner conceded that Tokunaga, Wood, and Benejam fail to teach modifying a *frame buffer scanning algorithm* based on the network performance. *See* Office Action, page 14. To cure this deficiency, the Examiner relied on Mustafa. *See id.* Specifically, the Examiner relied on a teaching in Mustafa of an algorithm that describes receiving a sub-frame, checking if a buffered sub-frame is in a correct sequence with the received sub-frame, storing the buffered sub-frame if it is sequentially correct, and disregarding the buffered sub-frame if it is sequentially incorrect and beginning a new frame with the received sub-frame. *See* Mustafa, paragraphs 121 and 124. Thus, Mustafa appears to teach the implementation of a packet reception algorithm that includes a buffering element. However, this algorithm appears to be *constant*, that is, the same algorithm is applied again and again for each

algorithm is applied again and again for each received sub-frame.

This is in contrast to independent claim 15 which recites *modifying* a frame buffer scanning algorithm based on the network performance. The algorithm of Mustafa simply is not *modified* based on network performance. Instead, the algorithm appears to be consistently applied to *all* received sub-frames, *regardless of the network performance*. Utilization of a *constant* sub-frame receiving algorithm in Mustafa simply cannot teach *modifying* a frame buffer scanning algorithm based on the network performance, as recited in independent claim 15. Accordingly, Mustafa fails to teach the elements of independent claim 15 as suggested by the Examiner.

Thus, the Tokunaga, Wood, Benejam, and Mustafa references, even in hypothetical combination, fail to disclose all elements of independent claim 15. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of independent claim 15 and its allowance, as well as that of all claims depending therefrom.

Omitted Features of Independent Claims 31 and 40

Independent claims 31 and 40 recite, *inter alia*, "comparing the *network performance* to a *specified range*." (Emphasis added). The Examiner conceded that Tokunaga, Wood, and Aweya fail to teach comparing the network performance *to a specified range*. Office Action, page 21. To cure this deficiency, the Examiner relied on Mustafa. *See* Office Action, pages 21-22. Specifically, the Examiner relied on a teaching in Mustafa of creating multiple service classes and assigning each service class a specified range of sequence numbers. *See* Mustafa, paragraph 26. Thus, Mustafa appears to teach assigning sequence numbers (i.e., identifiers) to service frames carried over a data link layer, where the sequence numbers identify services of the frames such as voice, SNA, and LAN services. *See* Mustafa, paragraphs 26-27.

This is in contrast to independent claim 15, which recites comparing the *network performance* to a *specified range*. The teachings of Mustafa directed to identification bits appended to transmittable frames appears to be wholly different from comparing the *network performance* to a *specified range*. Accordingly, Mustafa fails to teach the elements of independent claim 15 as suggested by the Examiner.

Thus, the Tokunaga, Wood, Aweya, and Mustafa references, even in hypothetical combination, fail to disclose all elements of independent claims 31 and 40. Accordingly, Applicant respectfully requests withdrawal of the Section 103 rejection of independent claim 15 and its allowance, as well as that of all claims depending therefrom.

Omitted Features of Independent Claim 41

Independent claim 41 includes recitations similar to independent claim 15, specifically "adjusting the screen data comprises *modifying* a frame buffer scanning algorithm based on the network performance." (Emphasis added.) Applicant respectfully requests that independent claim 41 be allowed for the same reasons set forth above with respect to independent claim 15.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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